

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Petition for Waiver of 47 C.F.R. § 76.1903

CSR-7947-Z/MB Docket No. 08-82

PETITION FOR EXPEDITED SPECIAL RELIEF

July 21, 2008

Americans for Tax Reform and the Media Freedom Project are filing this letter in support of the waiver sought in connection with the selectable output control (SOC) rules restricting their use. The ability of motion picture studios to partner with multi-channel video programming distributors (MVPD) to offer first-run movies in the home through a secure SOC would be a benefit to consumers by offering them more options for their entertainment dollar.

As the entertainment industry evolves and new technology is introduced into the marketplace, the industry must be able to adapt, and the introduction of such a service would benefit consumers in many ways.

An outing to the theater will always carry with it the aura of a special event, but for some leaving the house is not always a possibility. The logistics involved in gathering the family and transporting them to a theater, finding seats together, and all that is involved in that, not to mention the cost of feeding a family at a theater, has put the idea of first-run movies out of reach for many Americans. Still others are homebound or too ill to travel and navigate crowds found in theaters. The ability to have the movie showing at the theater delivered to the home in high-definition is an option many families would gladly choose without adversely impacting the theater business since they are unlikely to attend in the first place due to the logistical problems spelled out here.

Also, the sale of DVD's of these movies is unlikely to be impacted adversely. People routinely purchase or rent movies they've seen in the theater, a movie

worth repeated viewing will be treated just as it always been by the public. Retailer's concerns are unfounded in this respect.

Allowing consumers the option of viewing first-run movies in the comfort of their home will not duplicate the theater experience or replace it. The allure of the big screen and sound system only a theater can offer will not be diminished by adding the option of viewing the picture at home. Consumers should be afforded the option through their MVPD to view any legal product the entertainment industry would like to offer them, it is then up to consumers to decide if they wish to exercise that option.

Through a secure SOC, copyrighted material can be protected and consumers can view what they choose, both parties needs are served. The FCC should allow this business model to go forward in the best interest of all parties involved.

Respectfully submitted,

Grover Norquist
President,
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